

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER JONES,

Petitioner,

v.

DOMINGO URIBE, JR., *Warden*,

Respondent.

Civil No. 09cv1896-JM (POR)

**REPORT & RECOMMENDATION  
ORDER (1) DENYING RESPONDENT'S  
MOTION TO DISMISS WITHOUT  
PREJUDICE; AND (2) DENYING  
PETITIONER'S MOTION TO AMEND  
WITHOUT PREJUDICE**

[ECF No. 23]

[ECF No. 38]

On August 28, 2009, Petitioner Christopher Jones ("Petitioner"), a state prisoner proceeding *pro se*, filed a Petition for Writ of Habeas Corpus. (ECF No. 1.) On September 30, 2010, Respondent filed a Motion to Dismiss and lodged voluminous medical records pertaining to Petitioner's mental health condition from November 9, 1997 to August 28, 2009. (ECF No. 23.) On October 13, 2010, while Respondent's Motion to Dismiss was pending before the Court, Petitioner filed a Motion for the Appointment of Counsel. (ECF No. 25.) Based on Petitioner's long history of psychiatric disorders and the circumstances of this case, the Court granted Petitioner's motion. Accordingly, the Court hereby RECOMMENDS:


1. Respondent's Motion to Dismiss Petitioner's Petition for Writ of Habeas Corpus be **DENIED** without prejudice. (ECF No. 23.)
2. Petitioner's Motion to Amend his Petition for Writ of Habeas Corpus be **DENIED**

1 without prejudice. (ECF No. 38.)

2 The Court has appointed Federal Defenders to represent Petitioner. Based thereon, the Court  
3 finds the denial of the above two motions without prejudice appropriate at this time. New counsel  
4 shall review the pleadings and make motions as appropriate. Respondent may refile any motions as  
5 appropriate.

6 IT IS SO ORDERED.

7 DATED: April 11, 2011

8   
9 LOUISA S PORTER  
10 United States Magistrate Judge

11 cc The Honorable Jeffrey T. Miller  
12 All parties

13 Frank Mangan and Steve Hubacheck  
14 c/o Federal Defenders of San Diego  
225 Broadway, Suite 900  
San Diego, CA 92101